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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,608

Applicant(s)

LOHTIA, SUNIT

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Paragraph [0002] refers to a "personal digital assist dance". Examiner believes that Applicant is referring to "personal digital assistants", and urges Applicant to clarify this portion of the specification to reflect the intended meaning.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-8, 12-14, 21, 23, 25, 29, 31-32, 36-37, 39-43, 48, 50** rejected under 35 U.S.C. 102(e) as being anticipated by Balma et al. (U.S. Patent No. 6,175,945).
4. Regarding **claim 1**, Balma discloses determining a user's location and forwarding a message to the users at that location [*determining at which devices a user is present; and sending a notification message for the user to a device in response to a trigger event, selecting said device based upon a user profile*]. [See Balma, column 1, lines 56-67. See Balma, column 4, lines 24-36. See Balma, column 4, lines 39-51. See Balma, column 5, lines 6-20. A trigger event is receiving a communication that needs to be forwarded to the user.] By this rationale **claim 1** is rejected.

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5. Regarding **claim 2**, Balma is applied as in claim 1. Balma further discloses selecting a device to send a message to by using a user profile. [See Balma, column 4, lines 39-61.] By this rationale **claim 2** is rejected.

6. Regarding **claim 3**, Balma is applied as in claim 2. Balma further discloses the user profile indicates a preferred order of contacting devices. [See Balma, column 8, lines 10-40.] By this rationale **claim 3** is rejected.

7. Regarding **claim 4**, Balma is applied as in claim 1. Balma further discloses receiving a notification message from a remote system. [See Balma, column 5, lines 6-20.] By this rationale **claim 4** is rejected.

8. Regarding **claim 5**, Balma is applied as in claim 1. Balma further discloses using a mobile device. [See Balma, column 4, lines 10-16.] By this rationale **claim 5** is rejected.

9. Regarding **claim 6**, Balma is applied as in claim 1. Balma further discloses using a device connected to a wired network. [See Balma, column 4, lines 10-16.] By this rationale **claim 6** is rejected.

10. Regarding **claim 7**, Balma is applied as in claim 1. Balma further discloses that multiple modes of communication may be defined in a user profile, including cellular telephone [wireless device] and a wired device. [See Balma, column 8, lines 10-40. See Balma, column 4, lines 10-16.] Balma does not explicitly state that both a wired and a wireless device are chosen at the same time, but gives the option of doing so by stating that modes illustrated are merely exemplary. [See Balma, column 8, lines 10-40.] By this rationale **claim 7** is rejected.

11. Regarding **claim 8**, Balma is applied as in claim 7. Balma further discloses that one of the modes of communication can be by telephone [a *POTS device*, see Balma, column 8, lines 25-26.] By this rationale **claim 8** is rejected.

12. Regarding **claim 12**, the limitations of this claim are substantially the same as the limitations of **claim 1**. Balma discloses forwarding a communication to a user. Receiving a first notification message and sending a second notification message which is representative of the first notification message is considered forwarding a communication. By this rationale **claim 12** is rejected.

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13. Regarding **claim 13**, Balma is applied as in claim 12. Balma further discloses the user profile indicates a preferred order of contacting devices. [See Balma, column 8, lines 10-40.] By this rationale **claim 13** is rejected.

14. Regarding **claim 14**, Balma is applied as in claim 13. Balma further discloses selecting a device to send a message to by using a user profile. [See Balma, column 4, lines 39-61.] By this rationale **claim 14** is rejected.

15. Regarding **claim 15**, Balma is applied as in claim 12. Balma further discloses a server that sends messages to the host for forwarding. [See Balma, Figure 1, items 216, 100.] Each of the devices receives some sort of communication and conveys that to the user, thus inherently making the devices "data processing devices." [See Balma, column 3, lines 17-61.] By this rationale **claim 15** is rejected.

16. Regarding **claim 16**, Balma is applied as in claim 15. Balma further discloses using a mobile device. [See Balma, column 4, lines 10-16.] By this rationale **claim 16** is rejected.

17. Regarding **claim 21**, Balma is applied as in claim 12. Balma further discloses determining where a user is located [*at which of the plurality of devices the user is present*] prior to receiving a message. [Balma allows the user to pre-schedule where the communications will be routed. See Balma, column 2, lines 1-6.] By this rationale **claim 21** is rejected.

18. Regarding **claim 23**, the limitations of this claim are substantially the same as those in claim 21. Therefore the same rationale for rejecting claim 21 is used to reject claim 23. By this rationale **claim 23** is rejected.

19. Regarding **claim 25**, the limitations of this claim are substantially the same as those in claim 12. Balma further discloses contacting further devices based on the user profile if the second notification message does not get transmitted to the first selected device. [See Balma, column 8, lines 10-40.] By this rationale **claim 25** is rejected.

20. Regarding **claim 29**, Balma is applied as in claim 25. Balma further discloses the user profile indicates a preferred order of contacting devices. [See Balma, column 8, lines 10-40.] By this rationale **claim 29** is rejected.

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21. Regarding **claim 31**, the limitations of this claim are substantially the same as those in claim 12. Therefore the same rationale for rejecting claim 12 is used to reject claim 31. By this rationale **claim 31** is rejected.

22. Regarding **claim 32**, Balma is applied as in claim 31. Balma further discloses contacting a second device if communication with the first selected device fails. [See Balma, column 8, lines 10-40.] By this rationale **claim 32** is rejected.

23. Regarding **claim 36**, the limitations of this claim are substantially the same as those in claim 13. Therefore the same rationale for rejecting claim 13 is used to reject claim 36. By this rationale **claim 36** is rejected.

24. Regarding **claim 37**, the limitations of this claim are substantially the same as those in claim 14. Therefore the same rationale for rejecting claim 14 is used to reject claim 37. By this rationale **claim 37** is rejected.

25. Regarding **claim 39**, the limitations of this claim are substantially the same as those in claim 25. Therefore the same rationale for rejecting claim 25 is used to reject claim 39. By this rationale **claim 39** is rejected.

26. Regarding **claim 40**, Balma is applied as in claim 39. Balma further discloses the user profile indicates a preferred order of contacting devices. [See Balma, column 8, lines 10-40.] By this rationale **claim 40** is rejected.

27. Regarding **claim 41**, Balma is applied as in claim 40. Balma further discloses selecting a device to send a message to by using a user profile. [See Balma, column 4, lines 39-61.] By this rationale **claim 41** is rejected.

28. Regarding **claim 42**, Balma is applied as in claim 40. Balma further a server that sends messages to the host for forwarding. [See Balma, Figure 1, items 216, 100.] Each of the devices receives some sort of communication and conveys that to the user, thus inherently making the devices "data processing devices." [See Balma, column 3, lines 17-61.] By this rationale **claim 42** is rejected.

29. Regarding **claim 43**, Balma is applied as in claim 42. Balma further discloses using a mobile device. [See Balma, column 4, lines 10-16.] By this rationale **claim 43** is rejected.

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30. Regarding **claim 48**, Balma is applied as in claim 42. Balma further discloses determining where a user is located [*at which of the plurality of devices the user is present*] prior to receiving a message.

[Balma allows the user to pre-schedule where the communications will be routed. See Balma, column 2, lines 1-6.] By this rationale **claim 48** is rejected.

31. Regarding **claim 50**, the limitations of this claim are substantially the same as those in claim 1. Therefore the same rationale for rejecting claim 1 is used to reject claim 50. By this rationale **claim 50** is rejected.

32.

***Claim Rejections - 35 USC § 103***

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. **Claims 10, 18, 27, 34, 45** rejected under 35 U.S.C. 103(a) as being unpatentable over Balma and Tucciarone et al. (U.S. Pub. No. 2003/0009385).

35. Regarding **claim 10**, Balma is applied as in claim 1. Balma fails to disclose the use of an instant messenger application as a device for sending a message to the user.

36. However, Tucciarone discloses that a user can receive forwarded communications via an instant messaging program and that the instant messenger program can communicate request delivery information to the host. [See Tucciarone, page 2, paragraph 0014. See Tucciarone, page 8, paragraph 0112.]

37. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Balma and Tucciarone for the purpose of allowing a user to have messages forwarded to their most frequently engaged online activity. [See Tucciarone, page 2, paragraph 0011.] Balma gives motivation for the combination by stating that any type of communication

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mode may be used to forward a message to the user. [See Balma, column 4, lines 26-29.] By this rationale **claim 10** is rejected.

38. Regarding **claim 18**, Balma is applied as in claim 12. Balma fails to disclose the use of an instant messenger application as a device for sending a message to the user.

39. However, Tucciarone discloses that a user can receive forwarded communications via an instant messaging program and that the instant messenger program can communicate request delivery information to the host. [See Tucciarone, page 2, paragraph 0014. See Tucciarone, page 8, paragraph 0112.]

40. The motivation used for claim 10 is equally applicable for combining the teachings of Balma and Tucciarone in claim 18. By this rationale **claim 18** is rejected.

41. Regarding **claim 27**, Balma is applied as in claim 25. Balma fails to disclose the use of an instant messenger application as a device for sending a message to the user.

42. However, Tucciarone discloses that a user can receive forwarded communications via an instant messaging program and that the instant messenger program can communicate request delivery information to the host. [See Tucciarone, page 2, paragraph 0014. See Tucciarone, page 8, paragraph 0112.]

43. The motivation used for claim 10 is equally applicable for combining the teachings of Balma and Tucciarone in claim 27. By this rationale **claim 27** is rejected.

44. Regarding **claim 34**, the limitations of this claim are substantially the same as those in claim 18. Therefore the same rationale for rejecting claim 18 is used to reject claim 34. By this rationale **claim 34** is rejected.

45. Regarding **claim 45**, the limitations of this claim are substantially the same as those in claim 27. Therefore the same rationale for rejecting claim 27 is used to reject claim 45. By this rationale **claim 45** is rejected.

46. **Claims 11, 24, 30, 38, 49** rejected under 35 U.S.C. 103(a) as being unpatentable over Balma and Gifford et al. (U.S. Pub. No. 2002/0131561).



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47. Regarding **claim 11**, Balma is applied as in claim 1. Balma fails to disclose adding a hyperlink to a notification message.

48. However, Gifford discloses a notification e-mail that allows the user to interact with the server based upon an embedded hyperlink within the notification e-mail. [See Gifford, page 2, paragraph 0028.]

49. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Balma and Gifford for the purpose of allowing the user to respond to a message when it is received. [See Gifford, page 2, paragraphs 0025 and 0028.] Balma gives motivation for the combination by stating that a user can communicate a change of location from the road to the host system. [See Balma, column 14, lines 48-52. The message received may be one from the host system asking the user to confirm location, as allowed for by Balma stating that a forwarded communication may be from any sender and have any type of mode of communication and communication parameters. See Balma, column 4, lines 24-26.] By this rationale **claim 11** is rejected.

50. Regarding **claim 24**, Balma is applied as in claim 12. Balma fails to disclose adding a hyperlink to a notification message.

51. However, Gifford discloses a notification e-mail that allows the user to interact with the server based upon an embedded hyperlink within the notification e-mail. [See Gifford, page 2, paragraph 0028.]

52. The motivation used for claim 11 is equally applicable for combining the teachings of Balma and Tucciarone in claim 24. By this rationale **claim 24** is rejected.

53. Regarding **claim 30**, Balma is applied as in claim 25. Balma fails to disclose adding a hyperlink to a notification message.

54. However, Gifford discloses a notification e-mail that allows the user to interact with the server based upon an embedded hyperlink within the notification e-mail. [See Gifford, page 2, paragraph 0028.]

55. The motivation used for claim 11 is equally applicable for combining the teachings of Balma and Tucciarone in claim 30. By this rationale **claim 30** is rejected.

56. Regarding **claim 38**, the limitations of this claim are substantially the same as those in claim 24. Therefore the same rationale for rejecting claim 24 is used to reject claim 38. By this rationale **claim 38** is rejected.

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57. Regarding **claim 49**, the limitations of this claim are substantially the same as those in claim 30. Therefore the same rationale for rejecting claim 30 is used to reject claim 49. By this rationale **claim 49** is rejected.

58. **Claims 9, 17, 20, 22, 26, 33, 44, 47** rejected under 35 U.S.C. 103(a) as being unpatentable over Balma and Horstmann et al. (U.S. Patent No. 6,779,022).

59. Regarding **claim 9**, Balma is applied as in claim 1. Balma fails to disclose polling a mobile device to see if it is available to receive messages.

60. However, Horstmann discloses polling a phone [*mobile device*] before sending a message to the user. [See Horstmann, column 9, lines 39-41.]

61. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Balma and Horstmann for the purpose of ensuring that important messages are delivered to the user via a wireless device. [See Horstmann, column 2, lines 19-24. See Horstmann, column 3, lines 55-59.] Balma gives motivation for the combination by stating that any type of communication mode may be used to forward a message to the user. [See Balma, column 4, lines 26-29.] By this rationale **claim 9** is rejected.

62. Regarding **claim 17**, Balma is applied as in claim 16. Balma fails to disclose polling a mobile device to see if it is available to receive messages.

63. However, Horstmann discloses polling a phone [*mobile device*] before sending a message to the user. [See Horstmann, column 9, lines 39-41.]

64. The motivation used for claim 9 is equally applicable for combining the teachings of Balma and Horstmann in claim 17. By this rationale **claim 17** is rejected.

65. Regarding **claim 20**, Balma is applied as in claim 12. Balma fails to disclose determining which devices a user is at in response to receiving a message to be forwarded.

66. However, Horstmann discloses polling a phone [*mobile device*] before sending a message to the user after the message is received by the system. If the phone fails, then the system tries another device

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for communication. Examiner considers this to be determining at which devices a user is at in response to receiving a message to be forwarded.

67. The motivation used for claim 9 is equally applicable for combining the teachings of Balma and Horstmann in claim 20. By this rationale **claim 20** is rejected.

68. Regarding **claim 22**, the limitations of this claim are substantially the same as those in claim 20. Therefore the same rationale for rejecting claim 20 is used to reject claim 22. By this rationale **claim 22** is rejected.

69. Regarding **claim 26**, Balma is applied as in claim 25. Balma fails to disclose polling a mobile device to see if it is available to receive messages.

70. However, Horstmann discloses polling a phone [*mobile device*] before sending a message to the user. [See Horstmann, column 9, lines 39-41.]

71. The motivation used for claim 9 is equally applicable for combining the teachings of Balma and Horstmann in claim 26. By this rationale **claim 26** is rejected.

72. Regarding **claim 33**, Balma is applied as in claim 31. Balma fails to disclose polling a mobile device to see if it is available to receive messages.

73. However, Horstmann discloses polling a phone [*mobile device*] before sending a message to the user. [See Horstmann, column 9, lines 39-41.]

74. The motivation used for claim 9 is equally applicable for combining the teachings of Balma and Horstmann in claim 33. By this rationale **claim 33** is rejected.

75. Regarding **claim 44**, the limitations of this claim are substantially the same as those in claim 26. Therefore the same rationale for rejecting claim 26 is used to reject claim 44. By this rationale **claim 44** is rejected.

76. Regarding **claim 47**, Balma is applied as in claim 39. Balma fails to disclose determining which devices a user is at in response to receiving a message to be forwarded.

77. However, Horstmann discloses polling a phone [*mobile device*] before sending a message to the user after the message is received by the system. If the phone fails, then the system tries another device

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for communication. Examiner considers this to be determining at which devices a user is at in response to receiving a message to be forwarded.

78. The motivation used for claim 9 is equally applicable for combining the teachings of Balma and Horstmann in claim 47. By this rationale **claim 47** is rejected.

79. **Claims 19, 28, 35, 46** rejected under 35 U.S.C. 103(a) as being unpatentable over Balma, Horstmann, and Tucciarone.

80. Regarding **claim 19**, Balma is applied as in claim 12. Balma fails to disclose polling a mobile device to see if it is available to receive messages and the use of an instant messenger application as a device for sending a message to the user.

81. However, Horstmann discloses polling a phone [*mobile device*] before sending a message to the user. [See Horstmann, column 9, lines 39-41.] Horstmann also fails to disclose the use of an instant messenger application as a device for sending a message to the user.

82. However, Tucciarone discloses that a user can receive forwarded communications via an instant messaging program and that the instant messenger program can communicate request delivery information to the host. [See Tucciarone, page 2, paragraph 0014. See Tucciarone, page 8, paragraph 0112.]

83. The motivation to combine the teachings of Balma and Horstmann in claim 19 is the same motivation applied to combine the teachings of Balma and Horstmann in claim 9. The motivation to further combine the teachings of Balma and Horstmann with the teachings of Tucciarone is the same as the motivation to combine the teachings of Balma and Tucciarone in claim 10. By this rationale **claim 19** is rejected.

84. Regarding **claim 28**, Balma is applied as in claim 25. Balma fails to disclose polling a mobile device to see if it is available to receive messages and the use of an instant messenger application as a device for sending a message to the user.

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85. However, Horstmann discloses polling a phone [*mobile device*] before sending a message to the user. [See Horstmann, column 9, lines 39-41.] Horstmann also fails to disclose the use of an instant messenger application as a device for sending a message to the user.

86. However, Tucciarone discloses that a user can receive forwarded communications via an instant messaging program and that the instant messenger program can communicate request delivery information to the host. [See Tucciarone, page 2, paragraph 0014. See Tucciarone, page 8, paragraph 0112.]

87. The motivation to combine the teachings of Balma and Horstmann in claim 28 is the same motivation applied to combine the teachings of Balma and Horstmann in claim 9. The motivation to further combine the teachings of Balma and Horstmann with the teachings of Tucciarone is the same as the motivation to combine the teachings of Balma and Tucciarone in claim 10. By this rationale **claim 28** is rejected.

88. Regarding **claim 35**, the limitations of this claim are substantially the same as those in claim 19. Therefore the same rationale for rejecting claim 19 is used to reject claim 35. By this rationale **claim 35** is rejected.

89. Regarding **claim 46**, the limitations of this claim are substantially the same as those in claim 28. Therefore the same rationale for rejecting claim 28 is used to reject claim 46. By this rationale **claim 46** is rejected.

### ***Conclusion***

90. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

John F. Meech et al. "A Multi-Agent System for Personal Messaging." International Conference on Autonomous Agents. Proceedings of the fourth international conference on Autonomous Agents. Barcelona, Spain. ACM Press, June 2000. pp. 144-145.

Quine, U.S. Patent No. 6,782,415

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER